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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,452	06/30/2003	Michael J. Castillo	42P16965	1618

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EXAMINER

VO, DON NGUYEN

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/611,452

Applicant(s)

CASTILLO, MICHAEL J.

Examiner

DON N. VO

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-19 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-19 and 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/2007 has been entered.

Claim Objections

2. Claim 23 is objected to because of the recitation "-and" recited at line 7. It is suggested to change to – and --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "the non-volatile storage" recited in claim 33, line 3 lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 4, 6-8, 10-17, 19, 21-26 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (US 7,039,116).

Regarding claims 1, 6-8, 11-16, 19, 21-24, 28, 29 and 32, Zhang, as shown in figures 1, 4-5C, 8 and 9, teaches an apparatus and method for format conversion of compressed video data comprising decoding a digital data stream received at a video decoder (fig. 5C, 442), passing and dynamically adjusting an aggressiveness of down sampling (fig. 5C, 444 and 450) and encoding the decoded data stream (fig. 5C, 446). Zhang also teaches computer readable medium including instructions for carrying out the method as indicated above. See also column 1, lines 21-26; column 3, lines 48-57; column 8, lines 11-67; column 16, line 13 to column 17, line 30 and column 22, line 30 to column 24, line 32.

Regarding claims 3, 8, 17, 25, 33, and 34, Zhang further teaches storing the bit stream using a non-volatile storage medium (fig. 8, 704). See also column 22, lines 36-50 and column 23, lines 4-23.

Regarding claims 4, 10 and 26, Zhang further teaches encryption and decryption engines (fig. 2, 84 and fig. 5A, 418).

Regarding claims 30 and 31, although Zhang does not explicitly teach using the look-up table for down sampling as recited, Zhang teaches processing the data stream (down sampling is included) according to tables. See column 17, lines 62-66 and column 20, lines 39-59. Therefore, the using a look-up table for down sampling is inherent is Zhang.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US 7,039,116) in view of Wee et al (US 2003/0041257; art of record).

Regarding claims 5 and 27, Zhang teaches all subject matter claimed except for sending the data stream to a display device as recited. However, Wee discloses transcoding the streaming data depending on the capacity of the client devices displays and computational capabilities (Paragraph 3, lines 1-4 & Paragraph 97 & Paragraph 98, lines 10-16). Wee further discloses streaming the lower bit rate data over a wireless channel and a more high data rate stream over a wireline channel (Paragraph 10 & Paragraph 98, lines 1-9 & Paragraph 223,

lines 4-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Wee teaches transcoding the digital data stream depending on the client devices displays and computational capabilities and further the channel conditions, and this is implemented in the method as described in Zhang so as to provide a high bit stream to a local device, depending on its capability, and further a lower bit rate stream to remote client device depending on the channel conditions, so as to avoid the corruption of the data due to the channel noise.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (US 7,039,116).

Zhang teaches all subject matter claimed except for transmitting the source stream at a full bit rate. However, Zhang also teaches processing and transmitting the data stream according to the capability of the target decoder. See column 8, lines 29-43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zhang to transmit the source data at a full bit rate if the target decoder is capable of decompressing and decoding the received data at a full bit rate so as high data transmission rate can be achieved.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3-8, 10-19 and 21-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References Trenary et al (US 2003/0152282) and Shen et al (US 2003/0161401) are cited because they are pertinent to method and apparatus for transcoding video data stream.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N. VO whose telephone number is (571) 272-3018. The examiner can normally be reached on Mon-Fri (9:00AM - 6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DON N. VO
Primary Examiner
Art Unit 2611